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THE WHITE HOUSE

WASHINGTON

October 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Enrolled Bill H.R. 3979 --
Comprehensive Smoking Education Act

Richard Darman has asked for comments on the above-referenced enrolled bill, by close of business today. This bill, which passed both Houses by voice vote, would amend 15 U.S.C. § 1333 to require new, rotating warning labels on cigarette packages and advertisements. It was the judgment of Congress that, for some reason, cigarette smokers were missing the point of the current label. Of the four new labels, to be rotated on a quarterly basis, two are more specific in describing the adverse health consequences of cigarette smoking, one notes that cigarette smoke contains carbon monoxide, and another advises that quitting smoking greatly reduces serious health risks.

The bill would also require cigarette manufacturers to provide the Secretary of HHS with an annual, detailed list of all ingredients added to tobacco used in cigarettes. The Secretary would be required to report to Congress on the health effects of these additives. Finally, the bill would direct the Secretary to "carry out a program to inform the public of any dangers to human health presented by cigarette smoking," and require her to form an "interagency committee" on smoking and health. This committee will be comprised of members from within HHS appointed by the Secretary, representatives of the Departments of Labor and Education and the FTC appointed by the respective heads of those agencies, and five representatives of private entities involved in informing the public about the health effects of smoking, appointed by the Secretary of HHS. The committee is thus more accurately described as an advisory committee rather than an interagency committee.

All affected agencies either recommend approval or interpose no objections. OMB reports that the bill is a compromise agreed upon by interested members of Congress, the tobacco industry, and "the public health community" (whatever that is). I have reviewed the memorandum for the President prepared by OMB Assistant Director for Legislative Reference

James M. Frey, and the bill itself, and have no objections. One can but hope that the new labels will get through to those who continue to smoke.

cc: Peter J. Rusthoven
H. Lawrence Garrett, III ✓
Dianna G. Holland

OCTOBER 9, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3979 --
Comprehensive Smoking Education Act

Counsel's Office has reviewed the above-referenced enrolled bill, and finds no objection to it from a legal perspective.


FFF:JGR:aea 10/9/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Resolution Regarding the Quadrennial
Report of the Commission on Executive,
Legislative and Judicial Salaries

Emory G. Hatcher, the Circuit Executive for the Tenth Circuit, has written the President to forward a resolution adopted by the Tenth Circuit Judicial Conference. The resolution urges the President and Congress to accept whatever the new Quadrennial Commission recommends with respect to appropriate judicial salaries. According to the resolution, the repeated failure in the past to accept Commission recommendations has frustrated the very purpose of the Commission and resulted in the failure to compensate judges fairly.

At this point I recommend simply a brief note acknowledging receipt of the resolution. The fact that it was transmitted under a letter from the Circuit Executive suggests nothing more is expected.

Attachment

October 9, 1984

Dear Mr. Hatcher:

Thank you for your letter of September 11, 1984 to the President. That letter transmitted a resolution adopted by the Judicial Conference of the Tenth Judicial Circuit, calling upon the President and Congress to accept the recommendations of the Quadrennial Report of the Commission on Executive, Legislative, and Judicial Salaries.

We appreciate having the benefit of the views of the Tenth Circuit Judicial Conference on this important subject, and will certainly accord them the consideration merited by their source. Thank you for sharing the resolution with us.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Emory G. Hatcher
Circuit Executive, United States
Court of Appeals for the Tenth Circuit
United States Courthouse
Denver, Colorado 80294

FFF:JGR:aea 10/9/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE
WASHINGTON

October 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Request for a Copy of the Presidential
Seal for Reproduction of a Letter
From The First Lady

Brenda Smith of an Austin public relations firm has written you to request a copy of the Seal of the President. One of Smith's clients, ShowBiz Pizza, recently received a letter of commendation from the First Lady for its activities to combat drug and alcohol abuse among teenagers. ShowBiz wants to display the letter in each of its pizza parlors, but the embossed Presidential Seal will not, of course, reproduce. Smith would like a copy of the Seal to accompany the letter.

It is our policy to permit the Seal to be used in connection with the publication of Presidential or First Lady letters. Smith called Friday, and I told her that we could send her a copy of the Seal, although I cautioned her concerning the legal limits on its use. Smith indicated she was facing an immediate deadline, so I expressed a copy of the Seal to her, at her company's expense. I told her that a letter memorializing my oral caution would follow shortly. A draft of such a letter is attached for your review and signature.

Attachment

October 9, 1984

Dear Ms. Smith:

Thank you for your letter of October 2, 1984. In that letter you requested, on behalf of ShowBiz Pizza, a copy of the Seal of the President. ShowBiz recently received a letter of commendation from the First Lady in connection with its Teen Dance After Hours activity to combat drug and alcohol abuse, and would like to display the letter with the Seal.

You have discussed this matter with John Roberts of my staff, who advised you that the Seal could be used in the contemplated manner. Mr. Roberts further advised you, however, that the permitted uses of the Seal were limited by law and that the Seal could not be reproduced or displayed by you or ShowBiz Pizza for any other purpose. I have enclosed for your information a copy of the statute and regulations governing use of the Seal. You should have already received the copy of the Seal you requested.

Thank you for your inquiry. If you have any additional questions, please do not hesitate to contact this office.

Sincerely,

Fred F. Fielding
Counsel to the President

Ms. Brenda Smith
Media Communications
of Austin, Inc.
1001 MoPac Circle
Austin, Texas 78746

FFF:JGR:aea 10/9/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Proclamation: National Drunk
and Drugged Driving Awareness Week

Duncan Clark has asked for comments as soon as possible on the above-referenced draft proclamation. The proclamation, authorized and requested by S.J. Res. 303, was submitted by Roger Porter and has been approved by OMB. You will recall that this proclamation was originally circulated in July. The original draft was seriously flawed in that it omitted any mention of the President's signing of legislation to encourage States to adopt a 21-year drinking age. By memorandum dated July 23, you recommended that the draft be rewritten to mention this significant development. OPD also objected to the original draft, urging that it be rewritten to coincide more closely with the Drug Strategy Report prepared by Carlton Turner's office.

The present draft responds fully to our recommendation, and that of OPD. I have no objections to this revised version.

Attachment

THE WHITE HOUSE

WASHINGTON

October 9, 1984

MEMORANDUM FOR DUNCAN CLARK
OFFICE OF WHITE HOUSE CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Proclamation: National Drunk
and Drugged Driving Awareness Week

Counsel's Office has reviewed the above-referenced draft proclamation, and finds no objection to it from a legal perspective.

FFF:JGR:aea 10/9/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 5, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Consent Decree in Alcan-Arco

Associate Deputy Attorney General Roger Clegg has advised me that the Justice Department today announced the filing of a consent decree settling its civil antitrust action challenging the acquisition by Aluminum Limited of Canada (Alcan) of the aluminum producing assets of Atlantic Richfield Company (Arco). Under the terms of the decree, Arco must retain at least a 60 percent interest in its newly-completed aluminum rolling mill in Kentucky. Alcan will hold the other 40 percent in a production joint venture. Arco had not yet used the mill to produce aluminum cans, but had planned to do so. If Alcan had been permitted to acquire the mill in its entirety, the result would have been the elimination of a significant new potential competitor in the aluminum can market. (Alcan is the non-Communist world's largest aluminum company.) Carefully wrought conditions on the joint operation of the mill will ensure that Alcan and Arco remain competitors in the product market. The proposed decree has been filed with the U.S. District Court in Louisville and will become final if approved by the Court after a 60-day period for public comment.

The case is noteworthy in two respects:

° It is the first "potential competitor" case brought by Justice in recent years. As noted, Arco was not yet in the aluminum can market, but rather was a potential entrant.

° The use of a production joint venture to settle the case is an innovative approach. In this case this approach was both economically efficient and helped preserve competition.

Pursuant to our usual procedures in such cases, I have prepared a memorandum for Baroody, alerting him of this newsworthy development from Justice.

Attachment

THE WHITE HOUSE

WASHINGTON

October 5, 1984

MEMORANDUM FOR MICHAEL E. BAROODY
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PUBLIC AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Consent Decree in Alcan-Arco

You may receive inquiries on the following newsworthy item announced by the Department of Justice today:

The Justice Department today announced the filing of a consent decree settling its civil antitrust action challenging the acquisition by Aluminum Limited of Canada (Alcan) of the aluminum producing assets of Atlantic Richfield Company (Arco). Under the terms of the decree, Arco must retain at least a 60 percent interest in its newly-completed aluminum rolling mill in Kentucky. Alcan will hold the other 40 percent in a production joint venture. Arco had not yet used the mill to produce aluminum cans, but had planned to do so. If Alcan had been permitted to acquire the mill in its entirety, the result would have been the elimination of a significant new potential competitor in the aluminum can market. (Alcan is the non-Communist world's largest aluminum company.) Carefully wrought conditions on the joint operation of the mill will ensure that Alcan and Arco remain competitors in the product market. The proposed decree has been filed with the U.S. District Court in Louisville and will become final if approved by the Court after a 60-day period for public comment.

The case is noteworthy in two respects:

- ° It is the first "potential competitor" case brought by Justice in recent years. As noted, Arco was not yet in the aluminum can market, but rather was a potential entrant.

- ° The use of a production joint venture to settle the case is an innovative approach. In this case this approach was both economically efficient and helped preserve competition.

FFF:JGR:aea 10/5/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 10, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

New Items From the Boehm Studios

Katherine Shepherd of Presidential Correspondence has referred to you a letter to the President from Mrs. Helen F. Boehm, of the Boehm porcelain company. Shepherd states that Mrs. Boehm is a friend of the Reagans. In her letter Mrs. Boehm advises that a quotation from a Labor Day address of the President -- "to make America great again and let the Eagle soar" -- has inspired a new line of Boehm china, featuring patriotic eagles. She enclosed with her letter a mock-up brochure promoting the new line, prominently featuring the President's quotation and identifying the source. Mrs. Boehm wrote that she hopes "The Great American Heritage Collection" "can be utilized to aid the party in raising some important dollars for the Republican Inaugural Committee."

The brochure as presently designed may convey the false impression that the President has endorsed "The Great American Heritage Collection." This would not only contravene established White House policy concerning endorsement of commercial products, but also, given this particular pattern, call into serious question the President's taste in dinner service. Of course, only the former point need be made in the reply to Mrs. Boehm. The attached draft reply also raises a cautionary note about use of the collection to raise funds for the party. Since Mrs. Boehm is reportedly a personal friend of the Reagans, I have prepared a memorandum to Shepherd in order that the proposed reply may be reviewed by her office before being sent.

Attachment

THE WHITE HOUSE

WASHINGTON

October 10, 1984

MEMORANDUM FOR KATHERINE SHEPHERD
PRESIDENTIAL CORRESPONDENCE OFFICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: New Items From the Boehm Studios

By memorandum dated September 20, 1984, you requested guidance on a reply to a letter to the President from Mrs. Helen F. Boehm. I have prepared a reply to Mrs. Boehm, for my signature. If you agree, I will send it.

Attachment

FFF:JGR:aea 10/10/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 10, 1984

Dear Mrs. Boehm:

Thank you for your letter of September 17, 1984 to the President. That letter and the accompanying materials raise certain legal questions, and accordingly the letter has been referred to this office for consideration and direct reply.

We are concerned that featuring the quotation from the President on the brochures for "The Great American Heritage Collection" could contravene established White House policy on commercial endorsements. The White House adheres to a policy of not approving any use of the President's name, likeness, signature, or photograph in any manner that suggests or could be construed as an endorsement of a commercial product or enterprise. I am certain that you will readily appreciate the need for this policy. In this instance, there is the danger that the use of the quotation of the President to introduce your new collection could be misinterpreted by some as an endorsement of the collection by the President. Accordingly, I must ask that you not use the quotation or the President's name on the brochures. I hope that you will understand why we must make this request, and also that it in no sense constitutes an adverse reflection on the exciting new collection featured in the brochure.

You also expressed your hope in your letter that the collection could be used in some way to raise funds for the party. There are of course various rules and regulations governing political fundraising, so any particular proposal you have in mind would have to be carefully reviewed prior to implementation to ensure compliance with all applicable laws. If you have any questions, please do not hesitate to contact this office, or counsel for the party, as may be appropriate.

Thank you for sharing your plans for this new collection with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Mrs. Helen F. Boehm
25 Fairfacts Street
Trenton, NJ 08638

FFF:JGR:aea 10/10/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 10, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Request for Executive Review
of All Evidence in the Case
of Senator Harrison Williams

Jeanette Williams, wife of convicted Abscam figure Senator Williams, has written the President requesting an "executive review" of all the evidence in her husband's case and an investigation of all who took part in the prosecution, including former President Carter and Abscam trial judge George Pratt (who, Mrs. Williams notes, was elevated to the Court of Appeals after her husband's conviction). She specifically does not request a pardon, since she maintains her husband was guilty of no crime.

We also have outstanding an earlier letter from Mrs. Williams to Mr. Baker, demanding that a Justice Department Office of Professional Responsibility report on Abscam be made public. You will recall that I submitted a draft reply for your signature, advising Mrs. Williams that such reports are internal Justice Department documents and are not available for public dissemination, but that the report in question contained nothing exculpatory. You sent the package back, noting that you could not make such a statement without reviewing the report. I sent back a revised reply, advising Mrs. Williams that according to the Justice Department the report contained nothing exculpatory. This too failed to fly; you sent it back with the suggestion that Justice reply to the letter.

At this point we should probably send both the letter to Baker and the letter to the President to Justice for reply. A memorandum to Dinkins accomplishing this is attached for your review and signature.

Attachment

THE WHITE HOUSE

WASHINGTON

October 10, 1984

MEMORANDUM FOR CAROL E. DINKINS
DEPUTY ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Executive Review
of All Evidence in the Case
of Senator Harrison Williams

The attached letters from Jeanette Williams, wife of convicted Abscam defendant Harrison Williams, are referred to the Department of Justice for direct reply and whatever other action you consider appropriate. The White House has not responded to Mrs. Williams in any manner.

Many thanks.

FFF:JGR:aea 10/10/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 10, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Expiration of Section 120
of the Internal Revenue Code

On September 19, I submitted draft replies for your signature to letters Mr. Baker received from ABA President Wallace D. Riley and former ABA President Morris Harrell. Riley and Harrell wrote Baker to urge that the Administration act to prevent Section 120 of the Internal Revenue Code from expiring. As I explained in my memorandum, Section 120 grants preferred tax treatment for employer-funded legal assistance programs for employees. Unless extended by Congress it will expire at the end of this year pursuant to a sunset provision.

The draft replies I submitted noted that the Administration, in Treasury testimony, opposed extension of Section 120. You wrote back that the replies were difficult for you to send, because you needed the support of Riley and Harrell on another matter. The attached revised draft omits the reference to the Administration position, simply thanking the two for their views and assuring them that they will be appropriately considered.

Attachments

THE WHITE HOUSE

WASHINGTON

October 10, 1984

Dear Mr. Riley:

Thank you for your letter to White House Chief of Staff James A. Baker, III, concerning the expiration of Section 120 of the Internal Revenue Code. In that letter you expressed your support for extension of Section 120, which provides special tax treatment for group legal services plans.

We appreciate having the benefit of your views on this matter, and I certainly recognize your particular interest and that of the American Bar Association. Please be assured that I will share your views and concerns with appropriate officials at the Department of the Treasury.

Sincerely,

Fred F. Fielding
Counsel to the President

Wallace D. Riley, Esquire
American Bar Association
American Bar Center
Chicago, Illinois 60637

FFF:JGR:aea 10/10/84
bcc: FFFielding/JGRoberts/SUBj/Chron

THE WHITE HOUSE

WASHINGTON

October 10, 1984

Dear Mr. Harrell:

Thank you for your letter to White House Chief of Staff James A. Baker, III, concerning the expiration of Section 120 of the Internal Revenue Code. In that letter you expressed your support for extension of Section 120, which provides special tax treatment for group legal services plans.

We appreciate having the benefit of your views on this matter, and I certainly recognize your particular interest and that of the American Bar Association. Please be assured that I will share your views and concerns with appropriate officials at the Department of the Treasury.

Sincerely,

Fred F. Fielding
Counsel to the President

Morris Harrell, Esquire
4200 RepublicBank Tower
Dallas, Texas 75201

FFF:JGR:aea 10/10/84
bcc: FFFielding/JGRoberts/SUBj/Chron

THE WHITE HOUSE

WASHINGTON

October 10, 1984

MEMORANDUM FOR PETER J. WALLISON
GENERAL COUNSEL
U.S. DEPARTMENT OF THE TREASURY

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Expiration of Section 120
of the Internal Revenue Code

The attached correspondence to James A. Baker, III, together with copies of my replies, is referred for whatever review and additional reply, if any, you consider appropriate. The correspondence, from the two most recent Presidents of the American Bar Association, concerns the imminent expiration of Section 120 of the Internal Revenue Code.


Attachments

FFF:JGR:aea 10/10/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE
WASHINGTON

October 10, 1984

MEMORANDUM FOR MICHAEL E. BAROODY
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PUBLIC AFFAIRS

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Presidential Questionnaire for
LTV/Wall Street Journal Employment
Advertisement (Prepared by Reagan-Bush'84)

Counsel's Office has reviewed the above-referenced proposed questionnaire response, and finds no objection to it from a legal perspective. The third sentence in the second paragraph on the last page contains a redundancy -- "government intervention into the free market on the part of government." The last five quoted words can be dropped.

cc: Richard G. Darman

THE WHITE HOUSE

WASHINGTON

October 10, 1984

MEMORANDUM FOR MICHAEL E. BAROODY
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PUBLIC AFFAIRS

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Questionnaire for Firehouse
Magazine (Prepared by Reagan-Bush'84)

Counsel's Office has reviewed the above-referenced candidate questionnaire, and finds no objection to it from a legal perspective. In the first line of the answer to question five, "desire" should be "deserve."

cc: Richard G. Darman

THE WHITE HOUSE

WASHINGTON

October 10, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Continued Support for Ratification
of the Genocide Convention

R. Walter Bachman, President of the Hennepin County Bar Association, has written the President on behalf of the Association to urge his continued support for ratification of the Genocide Convention. Bachman enclosed a resolution adopted by the Association calling upon the Senate to ratify the Convention.

On September 5, the Administration announced support for ratification of the Convention, with rather uncontroversial reservations and declarations. The President personally committed himself to the Convention in his address the next day before the B'nai B'rith International Convention. I recommend a brief reply to Bachman, quoting the President's remarks. A draft is attached.

Attachment

October 10, 1984

Dear Mr. Bachman:

Thank you for your letter of September 25, 1984 to the President. In that letter you urged the President to continue to support ratification of the Genocide Convention. You also enclosed a resolution adopted by the Hennepin County Bar Association, urging the Senate to give its advice and consent to ratification of the Convention.

As you doubtless know, the Administration announced its support for ratification on September 5, 1984. On September 6, the President discussed the Convention:

With a cautious view, in part due to the human rights abuses performed by some nations that have already ratified the documents, our Administration has conducted a long and exhaustive study of the Convention. And yesterday, as a result of that review, we announced that we will vigorously support, consistent with the United States Constitution, the ratification of the Genocide Convention. And I want you to know that we intend to use the Convention in our efforts to expand human freedom and fight human rights abuses around the world.

Thank you for sharing with us the views of the Hennepin County Bar Association on this important matter. Like you, we look forward to ratification of the Convention.

Sincerely,

Fred F. Fielding
Counsel to the President

R. Walter Bachman, Esquire
Hennepin County Bar Association
430 Marquette Avenue
Powers Building, Suite 402
Minneapolis, Minnesota 55401

FFF:JGR:aea 10/10/84

bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 10, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Enrolled Resolution S.J. Res. 260 --
National Blood Pressure Awareness Week

Richard Darman has asked for comments on the above-referenced enrolled resolution by 10:00 a.m. today. This resolution reviews the high incidence and costs of hypertension, and notes that it can be easily detected and controlled. The resolution would designate the week beginning November 11 as "National Blood Pressure Awareness Week," authorizing and requesting the President to issue an appropriate proclamation. It passed both Houses by voice vote. OMB and HHS recommend approval. I have reviewed the memorandum for the President prepared by OMB Assistant Director for Legislative Reference James M. Frey, and the resolution itself, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

October 11, 1984

MEMORANDUM FOR BEN ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL SPEECHWRITING

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Presidential Address:
Greenville Technical College --
Greenville, South Carolina

Counsel's Office has reviewed the above-referenced remarks, and finds no objection to them from a legal perspective. I do, however, question the concluding phrase of the penultimate sentence. I had always supposed -- and the Book of Genesis backs me up on this -- that God concerned Himself with creating more basic things than nations. I would further suppose that if God did go about creating nations, it would be unusual for Him to do a better job with some than others. When the Founding Fathers created this Nation, they did so "with a firm reliance on the Protection of Divine Providence," but they did not suppose they had called forth a divine creation. I would delete "the greatest Nation God ever created."

cc: Richard G. Darman

FFF:JGR:aea 10/11/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON, D.C.

October 10, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Resolution S.J. Res. 260 --
National Blood Pressure Awareness Week

Counsel's Office has reviewed the above-referenced enrolled resolution, and finds no objection to it from a legal perspective.

FFF:JGR:aea 10/10/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 11, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Proposed Presidential Radio Talk: Economy

Richard Darman has asked that comments be sent directly to Ben Elliott on the above-referenced remarks by 4:00 p.m. today. The remarks review the progress of the economic recovery and ask listeners whether they want to continue down the path of recovery and growth or return to the policies of the Carter-Mondale Administration. The remarks repeat the central theme of the domestic side of the campaign: that deficits can be cut by continued growth rather than the tax increases proposed by Mr. Mondale. I have reviewed the remarks and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

October 11, 1984

MEMORANDUM FOR BEN ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL SPEECHWRITING

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Presidential Radio Talk: Economy

Counsel's Office has reviewed the above-referenced remarks,
and finds no objection to them from a legal perspective.

cc: Richard G. Darman

FFF:JGR:aea 10/11/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 11, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Presidential Address:
Greenville Technical College --
Greenville, South Carolina

Richard Darman has asked that comments be sent directly to Ben Elliott on the above-referenced remarks by 11:00 a.m. today. The remarks are the standard campaign remarks, criticizing Mr. Mondale for his plan to increase taxes and being weak on defense. The President also criticizes his opponent for opposing the Space Shuttle when it was first proposed. I have reviewed the remarks and have no legal objections. I do, however, object to the concluding phrase of the penultimate sentence, which refers to the United States as "the greatest Nation God ever created."

According to Genesis, God creates things like the heavens and the earth, and the birds and fishes, but not nations. I do not know if this objection is the sort you would like to raise, but the phrase strikes me as ill-advised and, particularly in light of the focus on the religion and politics issue, a likely candidate for the "Reaganism of the Week" column.


Attachment

THE WHITE HOUSE

WASHINGTON

October 11, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Proposed Presidential Remarks:
Reagan-Bush Rally, Macon, GA

Richard Darman has asked that comments be sent directly to Ben Elliott on the above-referenced remarks by 11:00 a.m. today. The remarks discuss the contrasting positions of the two candidates on the economy, stressing that Mr. Mondale would raise taxes while the President would work to lower taxes further. The remarks conclude by criticizing Mr. Mondale's record on defense, noting that he would cut many major defense systems. I have reviewed the remarks and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

October 11, 1984

MEMORANDUM FOR BEN ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL SPEECHWRITING

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Presidential Remarks:
Reagan-Bush Rally, Macon, GA

Counsel's Office has reviewed the above-referenced remarks,
and finds no objection to them from a legal perspective.

cc: Richard G. Darman

FFF:JGR:aea 10/11/84


cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 11, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: S.J. Res. 332 -- World Food Day

Counsel's Office has reviewed the above-referenced enrolled resolution, and finds no objection to it from a legal perspective.

THE WHITE HOUSE

WASHINGTON

October 12, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Correspondence From Kim Costanza
on Behalf of Her Father Who Has
Been Involved in Entrapment Cases
With State Police and the F.B.I.

Kim Costanza of Bricktown, New Jersey has written the President two identical letters, requesting an investigation into the F.B.I. undercover operation that resulted in the conviction of her father. According to Costanza's letter, her father is required to report to begin serving his sentence October 5 -- the letter is dated October 4 -- while his appeal is pending before the Supreme Court. The case is being handled by Ramsey Clark, but Costanza notes that "as usual" he has been "called to El Salvador" and the matter is being handled by one of his law clerks. Costanza asks that her father be permitted to remain at home while an investigation is conducted.

The White House should not become involved in this pending criminal case. I have prepared a memorandum for your signature, referring the correspondence to the Department of Justice.

Attachment

THE WHITE HOUSE

WASHINGTON

October 12, 1984

MEMORANDUM FOR CAROL E. DINKINS
DEPUTY ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence From Kim Costanza
on Behalf of Her Father Who Has
Been Involved in Entrapment Cases
With State Police and the F.B.I.

The attached letters to the President, written on behalf of a Federal convict by his daughter, are referred for whatever direct reply you consider appropriate. The letters complain about entrapment and note that the convict's case is pending before the Supreme Court. We have not responded in any way.

Attachments

FFF:JGR:aea 10/12/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 12, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Request for Permission to Declare
October 13-21 Child Abuse Awareness Week

Brother John Foster, Director and Founder of the Kids for Christ Foundation of Portsmouth, Ohio, has written Merrie Spaeth to ask for permission from the President to declare next week, October 13-21, Child Abuse Awareness Week in Portsmouth. The week was chosen because there will be a seminar on the subject in Portsmouth at that time. Foster is requesting Presidential permission because some misguided bureaucrat in the city manager's office told him it was required.

Portsmouth, of course, can have any week it wants without Presidential permission. Congress and the President have in fact acted in this area: Congress passed Public Law 98-230, which the President signed on March 12, designating April 1984 as "National Child Abuse Prevention Month." The appropriate proclamation was issued on April 3. The attached letter advises Foster that no Presidential permission is required for the activities he has planned, and also advises him of the action taken in April at the Federal level.

Attachment

THE WHITE HOUSE

WASHINGTON

October 12, 1984

Dear Brother Foster:

This responds to your letter of October 4, 1984, to Merrie Spaeth of the White House staff. In that letter you reviewed some of the activities to promote child abuse awareness you have planned for October 13-21 in Portsmouth. You stated that you had been advised that you needed permission from the President before designating that period Child Abuse Awareness Week in Portsmouth.

No such permission from the President is required for a local program of the type described in your letter. It is true that the President, from time to time, issues proclamations calling upon all Americans to observe a particular day, week, or month, but those proclamations are nation-wide and are typically issued in response to a joint resolution passed by Congress. For example, and of particular interest in the present context, the President signed a proclamation on April 3 of this year designating April 1984 as "National Child Abuse Prevention Month." The proclamation was authorized and requested by Congress pursuant to Public Law 98-230, which the President signed into law on March 12, 1984. I have enclosed for your information a copy of this proclamation.

This proclamation, and the wide range of other steps the Administration has taken in this area, demonstrate our commitment to do everything we can about this tragic problem. Thank you for your inquiry, and best of luck with your program.

Sincerely,

Fred F. Fielding
Counsel to the President

Brother John D. Foster
Director & Founder
Kids for Christ Foundation
P.O. Box 1049
Portsmouth, Ohio 45662


FFF:JGR:aea 10/12/84
cc: FFFielding/JGRoberts/Subj/CHron
bcc: Merrie Spaeth
Media Relations

THE WHITE HOUSE

WASHINGTON

October 12, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Proposed Executive Order Entitled
"National Commission on Space"

Richard Darman has asked for comments by 10:00 a.m. today on the above-referenced proposed executive order. This executive order implements the directive in Public Law 98-361, signed July 16, 1984, that the President establish, within 90 days (by October 14, 1984), a National Commission on Space. 98 Stat. 427, to be codified at 42 U.S.C. § 2451 note. The pertinent provision in Public Law 98-361 is unusual in that it specifies the membership and functions of the Commission, but does not by its terms establish the Commission. Typically, a bill will either establish a commission of this sort, with all the necessary details, or simply direct the President to do so. The approach in this bill is an odd combination of the two. The executive order, accordingly, basically tracks the language of the statute as to the composition and duties of the Commission.

The Commission is to be composed of fifteen voting members appointed by the President, with specified expertise, up to nine non-voting members designated by the President representing Federal agencies, two Senators appointed by the President of the Senate and two House members appointed by the Speaker. The congressional members are to serve in an "advisory, non-voting" capacity. The Commission is to study U.S. space activities and formulate an agenda for the civilian space program, reporting to Congress and the President within one year.

The order, submitted by the Office of Science and Technology Policy, has been approved by OMB and, as to form and legality, by the Justice Department Office of Legal Counsel. The service on the Commission of four members of Congress, appointed by the President of the Senate and the Speaker of the House rather than the President, is not troublesome. These four members are explicitly advisory, non-voting members. (Even if they were allowed to vote there would be no constitutional objection, since the entire Commission has only advisory functions.) I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

October 12, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled
"National Commission on Space"

Counsel's Office has reviewed the above-referenced proposed executive order, and finds no objection to it from a legal perspective.

FFF:JGR:aea 10/12/84
cc: FFFielding/JGRoberts/Subj/chron